

Planning Commission Minutes
November 5, 1996

Present: Chairman Elaine McKay, Vice Chairman Dick Drescher, Mike Holmes, Ken Cutler, Lois Williams; Jack Balling, City Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: City Council Representative Sam Fowler, Dean Jolley, Don Milligan, and Mark Green.

Elaine McKay welcomed all those present. Dick Drescher made a motion to approve the minutes for October 15, 1996 as written. Mike Holmes seconded the motion and voting was unanimous.

Subdivisions

1. Consider preliminary and final approval of a two-lot subdivision at 305 East and 3100 South, Robert Stephenson, owner.

Vaughn Hill, Engineer for the project, was present. Jack Balling explained that Mr. Robert Stephenson owns the property on the north side of 3100 South and the west side of 400 East. He would like to divide the property into two lots. The Staff has looked at the preliminary plat and it is very simple. This can be done by metes and bounds description rather than filing a subdivision plat. The Staff recommends preliminary and final approval of this subdivision subject to the following conditions:

1. Provide City easements
 - (a) 7 ft. wide along the west property line, and
 - (b) 10 ft. along frontage of both lots.
2. Install a 4 ft. wide concrete walk along the street frontage 4ft. from curb.
3. Pay City the cost of installation of water laterals at the time building permits are issued.
4. Pay Davis County storm run-off fee of \$2,100.00 per acre for 0.496 acres or a total fee of \$1,041.60.
5. Pay Engineering checking fee of \$30.00 per lot=\$60.00.
6. Lots to be sold by metes and bounds descriptions.
7. Pay fee to South Davis Sewer for sewer line installations.

8. Repair all damaged curb and gutter.
9. Payment for all utility lines and street pavement repair.

Vaughn Hill had a question about when the sidewalk, curb and gutter are to be installed? Mr. Balling mentioned that it should be installed within a year and it should be part of the conditions. Mr. Hill finds all conditions acceptable.

Mike Holmes made a motion to recommend preliminary and final approval of a two-lot subdivision at 305 East 3100 South subject to recommendations 1-9 with the following addition to item 2:

2. Install a 4 ft. wide concrete walk along the street frontage 4 ft. from curb on or before September 1, 1997.

Dick Drescher seconded the motion and voting was unanimous.

2. Consider preliminary and final approval of a two-lot subdivision at 403 E. Center Street, Marilyn Bennett, owner.

Mrs. Marilyn Bennett, owner, Wendall Bennett and Burt Page were present. Jack Balling explained Mrs. Marilyn Bennett would like to divide the property into two lots, one with the existing home at 403 E. Center. This can be sold by metes and bounds rather than filing a subdivision plat. The Staff has reviewed the plat and recommends preliminary and final approval of a two-lot subdivision at 403 East Center Street with the following conditions:

1. Provide City with a 7 ft. utility easement around the perimeter of the lots.
2. Pay Davis County storm run-off fee of \$2,100.00 per acre for Lot A or a total fee of \$437.35.
3. Pay Engineering checking fee of \$30.00 per lot=\$60.00.
4. Lots to be sold by metes and bounds descriptions.
5. Pay sewer, water, power, and other utility costs at the time a building permit is issued.

Mrs. Bennett had a question concerning item #2, wanting to know why the storm run-off fee wasn't paid when the home was built? Mr. Balling explained that there are two different fees that need to be paid. One for the development of the property, which is paid by the developer, and the second fee is charged at the time of building, which is paid by the builder.

Lois Williams made a motion to recommend preliminary and final approval of a two-lot subdivision at 403 East Center, Marilyn Bennett, owner subject to the recommendations of Staff. Ken Cutler seconded the motion and voting was unanimous.

Zoning Ordinance Amendments

1. Consider rezoning of the Colonial Pointe Apartments at 2727 S. 675 W. from C-G and R-1-6.5 to R-3-25, BK Enterprises, applicant.

Bartley Curtis and Craig Lee, applicants, were present. Blaine Gehring explained that in 1993 BK Enterprises was granted a conditional use approval to construct the Colonial Pointe Apartments. This was done under the old zoning ordinances as the new ordinance was under review and consideration at the time. After the conditional use permit was granted, the City zoned the property the “highest and best” potential allowed and zoned it General Commercial (C-G). With the apartments now complete the entire project is technically nonconforming because no residential uses are permitted or conditional uses in the C-G Zone. Mr. Gehring suggested that a rezoning occur to R-3-25 to bring the project into conformity and avoid future problems as a nonconforming use.

BK Enterprises was approached by Mr. Arnell Heaps about their interest in buying a landlocked piece of property behind them. This parcel is a leftover from other projects Mr. Heaps built in the area, specifically the Val Verda Condominiums on 2900 South. Neighbors directly adjacent to the parcel would like to have something done to it so it is more than just weeds. BK Enterprises would like to include this in the rezone and build 12 more units there in 3 two-story four-plexes.

Mr. Gehring has been on the property and made some suggestions on a site plan revision which he feels will work. The property adjoins the Colonial Pointe apartments along the entire north property line. The east property lines are adjacent to two single family homes. The south line borders the Val Verda Condominiums and a couple of single homes with very deep lots. The west is a steep drop off into a landscaped yard of a single family home. Placing two-story buildings here would lessen the visual impact of the three-story apartments and not be out of character with the Val Verda Condominiums. The 12 more units will not increase the traffic in and out of the apartment complex in any significant way.

This is a housekeeping measure to do away with an unsightly problem. If the zoning remains as it is and if these apartments burn down the zoning will remain C-G and only commercial can be replaced. Mr. Gehring recommends that the Planning Commission send a favorable recommendation to the City Council for rezoning the described properties from C-G and R-1-6.5 to R-3-25.

Ken Cutler made a motion to recommend to the City Council for approval of the rezoning for the Colonial Pointe Apartments at 2727 S. 625 W. from C-G and R-1-6.5 to R-3-25, BK Enterprises,

applicant. Dick Dresher seconded the motion and voting was unanimous.

2. Consider amendments to the Zoning Ordinance relating to sight clearances on corner lots.

Mr. Gehring explained that it has been discovered that there is some conflict with the City Codes and the Zoning Ordinance relating to sight clearances on corner lots. The problem deals with the clear vision area on corners and just where the distance back from the corner is measured. In Section 6-2-118 of the Bountiful City Code it reads:

“It is unlawful for an owner, possessor, or one who occupies a corner lot to maintain or permit within a triangular area formed the street curb lines and a line connecting them at points 30 feet from the intersection of the street curb lines or a controlled intersection or 40 feet from the intersection of the street curb lines at an uncontrolled intersection, . . . ”

However, in Section 14-17-104 of the Zoning Ordinance it reads:

“In all districts which require a front yard, no obstruction to the view of vehicular and pedestrian traffic shall be placed on any corner lot within a triangular area formed by the property or street right-of-way lines and a line connecting them at points (30) feet from the intersection of the property or street right-of-way lines, . . . ”

This has posed some problems in the correct interpretation as to just what constitutes the clear vision area. The main purpose for the amendments is to bring the City Code and the Zoning Ordinance into compatibility and help clear up the confusion. It is the Staff’s recommendation that the area be defined by the street curb lines and not the property lines. Defining the clear vision area by measuring from the curb lines allows for a uniform definition as related to traffic on the street, while using property lines (behind the sidewalk) will be different where there may be larger parkstrips, or no parkstrips, or even no sidewalk. This should keep these obstructions back far enough to provide the clear vision area we are seeking to enforce and we should have only one defined area for all intersections.

The Staff has met with the City Manager and the City Attorney and all agree that the following amendments are being recommended to the ordinances in order to make them uniform:

1. Amend Section 6-2-118 of the Bountiful City Code to read:

6-2-118. Sign Clearances on Corner Lots.

(a) It is unlawful for an owner, possessor, or one who occupies a corner lot to maintain or permit within a triangular area formed by the street curb lines and a line connecting them at points ~~30 feet from the intersection of the street curb lines at a controlled intersection or 40 feet from the intersection of the street curb lines at an uncontrolled intersection;~~

- (1) ~~A solid type fence higher than 2 feet above ground level.~~ Solid fences, walls, or other structural screening material greater than 2 feet in height.
- (2) ~~See through type fences (e.g., chain link) higher than 4 feet above ground level. Such permitted type fences shall be maintained to permit clear and unobstructed visibility.~~ Nonsolid, open type fencing, which is in excess of 4 feet in height, is less than 75 percent open, and presents a visual barrier to adjoining properties and streets.
- (3) ~~Trees with an overlay less than 7 feet above ground level,~~
- (34) ~~Shrubs, bushes, plants or plant growth higher than 2 feet above ground level, or,~~
- (4) Branches of trees less than 7 feet above ground level which overhang or extend into the clear vision area.
- (5) Ground or monument signs.
- (56) Any other obstruction of any sort which substantially interferes with the safety of pedestrians or traffic.

No provisions of this Section shall be constructed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence wall or other screening material which substantially interferes with the safety of pedestrians or traffic or is detrimental to the health, safety and welfare of the general public.

2. Amend Chapter 14 of the Zoning Ordinance, using the same wording as in Section 6-2-118, to provide for an overall definition of the clear vision area which applies to anything in that triangular area and not just fences which are implied by just having it under the fencing regulations in Chapter 17. That new section would read the same as in the City Code:

14-14-118 SIGHT CLEARANCES ON CORNER LOTS

It is unlawful for an owner, possessor, or one who occupies a corner lot to maintain or permit within a triangular area formed by the street curb lines and a line connecting them at points forty (40) feet from the intersection:

- (a) Solid fences, walls, or other structural screening material greater than 2 feet in height.
- (b) Nonsolid, open type fencing, which is in excess of 4 feet in height, is less than 75 percent open, and presents a visual barrier to adjoining properties

and streets.

- (c) Trees, shrubs, bushes, plants or plant growth higher than 2 feet above ground level.
- (d) Trees with branches less than 7 feet above ground level which overhang or extend into the clear vision area.
- (e) Ground or monument signs.
- (f) Any other obstruction of any sort which substantially interferes with the safety of pedestrians or traffic.

No provisions of this Section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall or other screening material which substantially interferes with the safety of pedestrians or traffic or which is detrimental to the health, safety and welfare of the general public.

3. Amend Section 14-17-104 of the Fencing Regulations of the Zoning Ordinance to read:

14-17-104 CLEAR VIEW OF INTERSECTIONS STREETS

In all districts which require a front yard, no obstruction to the view of vehicular and pedestrian traffic shall be placed on any corner lot within a triangular area formed by the ~~property or street~~ curb right-of-way lines and a line connecting them at points forty (40)-thirty (30) feet from the intersection of the ~~property or street~~ curb right-of-way lines, except those fences which comply with the fence regulations of this Chapter and a reasonable ~~number of trees or~~ landscaping pruned in accordance with Section 14-14-118 of this Ordinance ~~high enough~~ to permit unobstructed vision to vehicular and pedestrian traffic.

4. Amend the figure in Chapter 17 entitled “Fencing Requirements” to show the 40 foot clear vision area as being measured from the street curb lines.

The Planning Commission needs to send a favorable recommendation to the City Council to amend the Sections of the Zoning Ordinance. The City Code will not require the same hearing as the Zoning Ordinance.

Dick Drescher asked to change the wording in the following paragraph of Section 6-2-118 of the Bountiful City Code and Chapter 14 of the Zoning Ordinance:

No provisions of this Section shall be construed to allow the continuance of any

nonconforming tree, shrub, plant or plant growth, fence, wall or other screening material
| ~~which~~ or obstruction substantially interferes with the safety of pedestrians or traffic or is
detrimental to the health, safety and welfare of the general public.

Mike Holmes made a motion to recommend to the City Council to amend Chapter 14 and 17 of the Zoning Ordinance as outlined by staff with the modifications as mentioned. Dick Dresher seconded the motion and voting was unanimous.

Meeting adjourned at 7:35 P.M.